

83

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.862/96.

Date of order : 27.8.1996.

Between

G.Prabhakar

.. Applicant

And

1. The Supdt. of Post Offices,  
Warangal.

2. The Sub Divl. Inspector(Pests),  
Mahabubabad.

3. The Director of Postal Services,  
Hyderabad Region,  
Hyderabad.

4. Sk. Jani Mia

.. Respondents

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Counsel for the Applicant .. Shri S.Ramakrishna Rao (N.P.)

Counsel for the Respondents .. Shri J.Satyanarayana Murthy  
for Shri V.Bhimanna, Addl. CGSC

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C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A) 8

Order

1. Per Hon'ble Shri H.Rajendra Prasad : Member(A) I

Counsel for the applicant absent. Shri J.Satyanarayana  
Murthy for Shri V.Bhimanna, Addl. CGSC present. Respondent  
No.4 served.

2. The applicant was a candidate for the post of EDBPM,  
Srirangiri EDBO, in Warangal Division. Since no candidates  
were sponsored for the post by the concerned Employment  
Exchange in response to the requisition of Respondent No.1,  
an open notification was issued for the same. In response  
to this, a total of 11 candidates, including the present  
applicant, offered themselves for the said post. It is  
conceded by the respondents that the applicant did indeed  
secure highest marks at the matriculation/examination among  
all candidates for the post, but his selection could not be

27/8

agreed to on the ground that he did not possess a saleable right over the property the details of which were submitted by him alongwith his application. It was solely on this basis and for this reason that the candidature of the present applicant was ignored and one other candidate (Respondent No.4) was selected for appointment even though he admittedly secured less marks at the matriculation examination in comparison to the present applicant.

3. The facts of the case are straightforward. The selection of the applicant was denied on the sole ground that he did not possess a saleable right over the property at the time of submission of his application. It is admitted by the respondents that the land was in the name of the applicant's father and the applicant was duly in possession of the property. That being so, it is not clear as to how he was considered ineligible for the post (despite having secured the highest marks at the matriculation examination) on this ground alone. It is to be noted that the applicant, as the legal heir to his father, had full entitlement to a share in the said property.

4. It is stated that the applicant submitted a petition to Respondent No.3 i.e., the Director of Postal Services, Hyderabad Region, Hyderabad. The said authority i.e., the Director of Postal Services, Hyderabad Region shall dispose of the representation within 30 days of receipt of a copy of this order keeping in view the position indicated in the previous paragraph, and convey her decision to the applicant soon thereafter.

5. The O.A. is disposed of thus at the stage of admission.

H. Rajendra Prasad  
( H. Rajendra Prasad )  
Member (A).

M.G. Chaudhary  
( M.G. Chaudhary )  
Vice-Chairman.

Dated: 27.8.1996.  
Dictated in Open Court.

br.

*Anubhav*  
Deputy Registrar (DCC)  
8-9-96.

To

1. The Superintendent of Post Offices,  
Warangal.
2. The Sub Divisional Inspector (Posts)  
Mahabubnagar.
3. The Director of Postal Services,  
Hyderabad Region, Hyderabad.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr. V.Bhimanna, ~~Exfex~~ Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

1 COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 27-8-1996

ORDER / JUGMENT

M.A/R.A./C.A. NO.

in

O.A.No. 862/96

T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions

Dismissed. *at the admission*

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

